

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-20663

D-22, VINCENT WYNN,

HONORABLE AVERN COHN

Defendant .

**ORDER DENYING DEFENDANT VINCENT WYNN'S
MOTION PURSUANT TO F.R.CRIM.P. 12(d)**

Defendant has moved the Court to address the factual issues raised in defendant's motion to dismiss the indictment (Dkt. 467), citing F.R.Crim.P. 12(d). In the Amended Memorandum and Order of April 16, 2009 (Dkt. 478), the Court denied the motion on the grounds that defendant's assertions that "his activities which form the bases of the government's case against him were those of a real estate broker engaged in regulated transactions," were for the jury to decide. Rule 12(d) states in part:

When factual issues are involved in deciding a motion, the court must state its essential findings on the record.

The Memorandum and Order complies with this requirement.

What defendant's motion asks for is essentially a summary judgment of not guilty. Resolution of factual disputes relating to the charges in an indictment are for the jury, not the judge.

The motion is DENIED.

SO ORDERED.

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 30, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, June 30, 2009, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160